

TARA J. ELLIOTT
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, Montana 59807
105 E. Pine, 2nd Floor
Missoula, Montana 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
Email: Tara.Elliott@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,	CR 17-09-M-DLC
Plaintiff,	
vs.	OFFER OF PROOF
GABRIELA ABUNDIZ,	
Defendant.	

Defendant has signed a plea agreement which contemplates her plea of guilty to Count I of the Indictment, which charges the crime of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846. The Defendant's plea of guilty will be unconditional.

The United States presented any and all formal plea offers to the Defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the Government's view, the most favorable offer extended to the Defendant. *See Missouri v. Frye*, 132 S.Ct. 1399 (2012).

ELEMENTS. In order to prove the charge contained in Count I of the Indictment against the Defendant at trial, the United States would have to prove the following elements beyond a reasonable doubt:

First, there was an agreement between two or more persons to commit at least one crime as charged in the information; and

Second, the Defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it; and

Third, 500 grams or more of methamphetamine were involved in the conspiracy and reasonably foreseeable to the Defendant.

PROOF. If called upon to prove this case at trial, and to provide a factual basis for the Defendant's plea, the United States would present, by way of the testimony of law enforcement officers, lay and expert witnesses, and physical evidence, the following:

Two Confidential Informants (CI #1 and CI #2) would testify that, beginning in approximately summer of 2016 and continuing until approximately January of 2017, in Missoula County, in the State and District of Montana, and elsewhere, Abundiz transported methamphetamine to Missoula from Yakima. Both Confidential Informants would testify that, within that timeframe, they personally purchased methamphetamine from Abundiz on multiple occasions.

A third Confidential Informant (CI #3) would testify that s/he personally observed Abundiz in possession of approximately one pound of methamphetamine.

Abundiz later admitted that she was directly involved in middle-manning methamphetamine purchases during this time period, and that on five separate occasions she directly distributed approximately one pound of methamphetamine per occasion to two co-defendants. In total, Abundiz admitted to sourcing over 15.2 pounds of methamphetamine since the fall of 2016.

DATED this 17th day of May, 2017.

LEIF M. JOHNSON
Acting United States Attorney

/s/ Tara J. Elliott
Assistant U.S. Attorney
Attorney for Plaintiff